

UNCLASSIFIED

P8

RELEASED IN FULL

Daily Press Briefing Index
Tuesday, November 15, 2005
12:55 p.m. EST

Briefer: Adam Erel, Deputy Spokesman

QUESTION: There is a new problem with the secret prisons.

MR. ERELI: Oh?

QUESTION: Because now the Spanish Government is probing some news about the fact that U.S. secretly used an airport in Spain to transfer prisoners. And they say it would be very serious. It would be -- they are apparently not happy at all. So I wanted to know if you think you can carry on denying it happened and if you can still say it doesn't have any impact on your foreign policy?

MR. ERELI: I don't have any comment.

QUESTION: Are you going to cooperate in the investigation?

MR. ERELI: I'm not aware that we've been asked -- we've been approached on this issue and so at this point it's a hypothetical.

QUESTION: Well now there's an investigation going on and it's about U.S. activity, so they'll obviously have to look into what you are doing and in the past, Sean has said that I think that you would be open to helping in any investigation. Are you going to --

MR. ERELI: I don't think -- I don't know -- let me put it this way, I've seen press reports, I'm not aware that there's been any official contact between the Government of Spain and the Government of the United States on this matter. Spain is a friend and NATO ally of the United States and our relations will be guided by those principles.

QUESTION: The Spanish Government said today that it would be intolerable if it were true. And so it would ask for a response at government level. So you would have --

MR. ERELI: Let me check and see. I don't know that we've been -- as I said to your colleague, I'm not aware that we've been officially approached by the Government of Spain.

QUESTION: On a related issue, the top EU justice official said that if any U.S. secret prisons were on European Union member soil, then those countries could face sanctions, what shows that the EU thinks, even in principle, having secret prisons is wrong. Given the Spanish investigation, given this type of strong comment, is it not time for the United States to say that as a principle it's wrong to have detainees in secret prisons?

MR. ERELI: Saul, I don't have anything to add to what I previously haven't said on the subject.

UNCLASSIFIED

UNCLASSIFIED

QUESTION: On a related matter.

MR. ERELI: Mm-hmm.

QUESTION: On Guantanamo, the UN has asked for -- some UN experts have asked for the right to visit the Guantanamo prison and to speak with the detainees.

MR. ERELI: Right.

QUESTION: So I wanted to know if you have intention to answer that.

MR. ERELI: Well, I think we've been working very, very diligently and I think in a spirit of openness and cooperation to accommodate the requests of the UN Special Rapporteurs and we agreed to provide access to Guantanamo to the UN -- to a limited number of UN rapporteurs with responsibility for this issue and this area. And so we're happy to let them -- we're happy to have them come to -- have these officials come to Guantanamo and to see what, frankly, thousands of others have seen, see the facilities, talk to the officials responsible for maintaining the facilities, get a full briefing in view of the operations of Guantanamo. And we think that's appropriate and we would hope that the UN Rapporteurs would take us up on our offer.

QUESTION: Apparently, the UN Special Rapporteur on Torture, Manfred Nowak, said today that Washington was given an ultimatum to allow the UN inspection on the ground UN wants.

MR. ERELI: Well, you know, let me put it this way. Number one, the way to deal with us is not by ultimatum. That's not real helpful and that's not real cooperative. It's certainly not the spirit with which we approach this issue.

Number two, there are procedures that we follow with regard to access to Guantanamo and access to detainees and that follows guidelines set up by the international convention, and we think that those guidelines are appropriate and that's what we're following with respect to the visit of the UN Special Rapporteurs and that's what's guiding our thinking on this issue.

But I would just underscore the fact that we are offering access to the Special Rapporteurs. We think this is -- what we are offering is transparent and appropriate, and we would hope that they take us up on the offer.

QUESTION: So if you don't accept the UN terms on Guantanamo, how do you want Syria to accept the UN terms on the Hariri inquiry? They can't say --

MR. ERELI: The which inquiry?

QUESTION: Syria. Hariri.

QUESTION: Syria and Hariri. Because Syria is discussing the terms of the inquiry.

UNCLASSIFIED

UNCLASSIFIED

MR. ERELI: Let me put it this way. I don't think -- with respect to Syria and Mehlis, you have three UN Security Council resolutions, the last of which was passed unanimously by the Security Council and laid out very clear guidelines and procedures and authorities for UN Investigator Mr. Mehlis to conduct his investigation. So that is the basis on which you are going to move forward in providing access to those suspected of -- those who may be suspected of wrongdoing.

Guantanamo is a totally different issue and in Guantanamo, we are guided by international obligations. We are guided by our own laws and we are guided by the fact that we are dealing with enemy combatants who remain a danger to the United States and to others. And that based on those criteria, we work with the ICRC in a very, I would say, cooperative and open and transparent way, based on the procedures that apply to -- apply in cases like this and that by that measure we, you know, we have been open, we have been transparent and we have been fully consistent with our obligations.

QUESTION: Will these UN visitors have access to all prisoners at Guantanamo?

MR. ERELI: No.

QUESTION: They won't?

MR. ERELI: No. ICRC gets access to prisoners. The nationals -- the governments of those countries have access to those prisoners. But this is -- and that is right and appropriate, but that's not necessarily the case with UN special rapporteurs.

QUESTION: (Inaudible) on torture. So --

MR. ERELI: Look, we have --

QUESTION: If you want to prove there is no torture.

MR. ERELI: We have been open. We have been transparent. We have nothing to hide and we have worked in that spirit with the ICRC, based on longstanding practice and procedure and principle and we've also worked with the government officials of those countries of whom the detainees are citizens. And that, I think, is -- and that is a record that we are proud of. And I think that is sufficient and the United States believes that is sufficient.

QUESTION: What's open and transparent about denying the UN's request to have free access to the prisoners?

MR. ERELI: The definition of open and transparent should not be saying yes to everybody who wants to come in and visit detainees. There are considerations dealing with -- there are considerations dealing with the treatment of detainees and there are established procedures for providing access to detainees. We believe that our openness and transparency with the ICRC and the countries of -- countries to whom these detainees are citizens is sufficient.

UNCLASSIFIED

UNCLASSIFIED

QUESTION: What about the suspicion that when you say you've got nothing to hide, in fact, maybe you have?

MR. ERELI: Well, I think that that suspicion should be --

QUESTION: The only -- Well, hold on.

MR. ERELI: That suspicion should be --

QUESTION: Maybe you should be fielding it here because --

MR. ERELI: No, you're fielding it. The suspicion should be belied by the fact that the ICRC has -- is able to visit detainees on a 24/7 basis and that is the appropriate -- the ICRC is the appropriate body to have that access, to perform that function and to -- and that kind of access should, I think, adequately address those suspicions.

QUESTION: Why does it adequately address it? Let me ask -- let me put it this way. The only organization that has access to all Guantanamo detainees is an organization that does not report on what it sees.

MR. ERELI: It does report. It reports to the government and it reports through --

QUESTION: It doesn't report publicly. None of us, the media, the voters of Bush in office, they're not going to see the results of those reports. So where's the transparency?

MR. ERELI: The transparency is that you are using established and recognized procedures and competent authorities to undertake the kind of investigation and access that is appropriate in these kinds of situations, as opposed to using public ultimatums and other grandstanding for agendas that perhaps have -- are not germane to the matter at hand.

QUESTION: What sort of agendas are you referring to?

MR. ERELI: I think I've just about said as much as I can say on this subject, so let's move on.

UNCLASSIFIED